HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.23019 of 2007

Dated: 05-11-2007

Between:

Vemapati Kasthuri

..... Pe

AND

Land Acquisition Officer-cum-Dist.Collector,
Guntur district.
And others

..... Respc

Counsel for the petitioner : Sri Mummaneni Srinivasa Rao

Counsel for the respondents : A.G.P. for Land Acquisition

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23019 of 2007

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in seeking to interfere with the petitioner's land situated in survey Nos.38/1 to an extent of Ac.1.19 cents, survey No.38/2 to an extent of Ac.0.38 cents, survey No.38/3 to an extent of Ac.0.32 cents, Survey No.53/1 to an extent of Ac.0.04 cents and survey No.53/2 to an extent of Ac.0.04 cents totalling to an extent of Ac.1.97 cents of Chinaravuru village, Tenali Mandal, Guntur district without following due process of law as arbitrary and illegal.

Earlier this writ petition was adjourned to enable the petitioner to file documents of title. Subsequently, she filed copies of registered sale deeds which prime facie show her title over the property in dispute.

After hearing the contentions of the learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition it is evident that the only grievance of the petitioner is that the land belonging her is being taken over by the respondent without initiating the proceedings under the Land Acquisition Act 1894. The respondents acting on behalf of the State cannot deprive a citizen of his property without following the due process of law. Otherwise such an action would constitute violation of the constitutional right guaranteed to the citizens under Article 300-A of the Constitution of India. Therefore, the respondents are under the obligation to follow the due process of law before denying a citizen of his property.

The writ petition is therefore, disposed of with a direction to the respondents not to dispossess or in any manner interfere with the rights of the petitioner over the lands situated in survey Nos.38/1 to an extent of Ac.1.19 cents, survey No.38/2 to an extent of Ac.0.38 cents, survey No.38/3 to an extent of Ac.0.32 cents, Survey No.53/1 to an extent of Ac.0.04 cents and survey No.53/2 to an extent of Ac.0.04 cents totalling to an extent of Ac.1.97 cents of Chinaravuru village, Tenali Mandal, Guntur district without following due process of law.

With the above observation, the writ petition is disposed of.

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C.V.NAGARJUNA REDDY,J

Date:05.11.2007

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